

AMENDMENT TRANSMITTAL LETTER

After Final Rejection

Application No.
10/784,637

Filing Date
February 23, 2004

Examiner
B. E. Pellegrino

Group Art Unit
3738

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Docket No.
SPINE 3.0-437

Invention: INSTRUMENTATION FOR PROPERLY SEATING AN ARTIFICIAL DISC IN AN
INTERVERTEBRAL SPACE

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	20	- 20 =	0	x 50.00	0.00
Independent Claims	2	- 3 =	0	x 210.00	0.00
Multiple Dependent Claims (check if applicable)					<input type="checkbox"/>
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00

Large Entity

Small Entity

No additional fee is required for this amendment.

Please charge Deposit Account No. _____ in the amount of _____.
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A check in the amount of \$ _____ to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge and credit Deposit Account No. 12-1095
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Credit any overpayment.

Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.


William A. Di Bianca
Attorney Reg. No. 58,653

Dated: October 31, 2007

LERNER, DAVID, LITTBENBERG, KRUMHOLZ & MENTLIK, LLP
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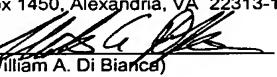
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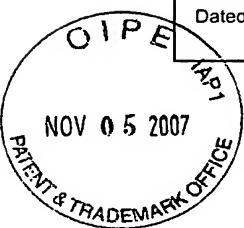
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EXPEDITED PROCEDURE

Group Art Unit: 3738

Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCIPCON II

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :
Errico et al. :
Application No.: 10/784,637 : Group Art Unit: 3738
Filed: February 23, 2004 : Examiner: B. E.
For: INSTRUMENTATION FOR PROPERLY : Pellegrino
SEATING AN ARTIFICIAL DISC IN AN :
INTERVERTEBRAL SPACE :
INTERVERTEBRAL SPACE :

AMENDMENT UNDER 37 CFR 1.116

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated September 25, 2007, finally rejecting claims 1-8 and 13-24, please amend the above-identified U.S. patent application as follows: